

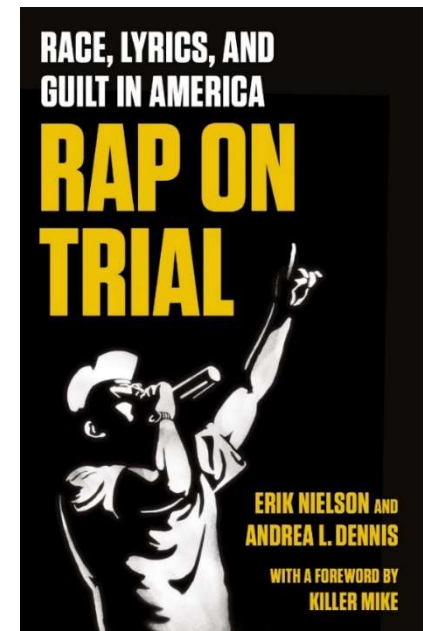


(In)admissibility of Rap Lyrics, Other Artistic Expression, and Social Media as Trial Evidence

Andrea L. Dennis
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Research Timeline

- 1989: Earliest identified case involving (E. Paredes)
- 1991: First opinion explaining rationale for admitting
- 1999: Social scientists first studied the practice
- Early 2000s: ALD came across issue in practice
- 2004: Prosecutors shared tactic in training manuals
- 2007: ALD published *Poetic (In)Justice?* (31 Colum. J. L. & Arts 1 (2007)) law journal article
- 2013: EN first served as (defense) rap expert
- 2015: Key-Peele “Rap Album Confession” skit aired on Comedy Central (check it out!)
- 2019: Nearly 500 cases identified
- 2019: ALD, EN published book RAP ON TRIAL (The New Press 2019) (a good read IMHO)



Forms of (Artistic) Expression

- Rap Lyrics, Songs, Videos, Promo Materials
- Hand (read Gang) Signs
- Clothing Color
- Associating with Individuals
- Drawings/Pictures/Photos
- Poetry
- Stories
- Online Posts

People v. BillyDee Smith (Cal 2014)



Major Takeaways

- Rap music evidence is used throughout criminal justice process to investigate, convict, and punish.
- Rap music evidence is used for both youthful and adult clients, all types of charges, and from minor to capital cases.
 - Only rap music.
 - Rarely other musical genres.
 - Rarely other forms of art.
- Increasingly expression occurs online.
- Tactic denies rap music status as creative art.
- Tactic relies on negative stereotypes and biases re Black and Latino male clients.
- Tactic demonizes young Black and Latino clients.
- Online communication and media have amplified problems and created new challenges.
- Evidence is rarely checked by judges.

Today's Roadmap

- Sampling of Cases
 - Offenses
 - Forms of Evidence
 - Utility of Evidence
- So What's the Problem?
 - Neglects Pro-Social Aspects
 - Avoids Artistic Sophistication
 - Social Media Amplifies
 - Pop Quiz
 - Interpretive Liberties
 - Misrepresentations
 - Bad Experts and Expertise
 - Interpretive Variations
 - Racial Bias
- 1A Protection – Syke!
- Success!!
 - Pre-trial
 - Trial
 - Appellate
- Damage Control
 - Strategies
 - Challenges Checklist
 - Caselaw
 - SC Expertise
- SC Case Studies
 - #1: Student Threats
 - #2: Homicide



Case Sampling

Offenses

July 8, 2013
HUFF POST COLLEGE

Olutosin Oduwole, Aspiring Rapper And Former Southern Illinois Student, On Trial In Alleged Threat Case



News

Houma man convicted after rapping about drug dealing



1 Tweet 145 Recommend 145 +1 MORE

wwltv.com
Posted on May 27, 2011 at 10:47 AM
Updated Friday, May 27 at 10:47 AM

Eric Heisig / Houma Courier

HOUMA — A 32-year-old who rapped about selling prescription drugs in online videos was convicted of drug possession in a Terrebonne courtroom Thursday. He faces up to 60 years in prison.

Clyde Smith, 2614 Daniel Turner Trailer Court, Houma, was convicted of possession with intent to distribute multiple bottles of the anxiety medication Xanax and the muscle relaxer hydrocodone, as well as attempted possession with intent to distribute the muscle relaxer Soma.

Nevada Rapper's Lyrics Used Against Him In Murder Trial

NEWS

» By D.L. Chandler (@Dlchandler123) August 26, 2013, 12:06pm



The Nevada Supreme Court ruled last week that the rhymes a rapper wrote in a [California](#) jail awaiting extradition would be entered as evidence in the appeal of his robbery and murder trial. **Deyundrea "Khali" Holmes** wrote 18 songs while locked up, but one song in particular tied him to the robbery and murder of a Reno drug dealer.

Holmes and another man targeted Kevin "Mo" Nelson in the 2003 robbery plot, who sold drugs out of a local recording studio. Planning to steal Nelson's money and drug stash with the help of a third accomplice, Holmes was met with resistance from the

man in a parking lot outside the studio writes *Courthouse News*.

From *Courthouse News*:

Nelson fought back when his assailants jumped him in the parking lot. "In the fight, Nelson's pockets were 'bunny-eared' (turned inside out)," according to the ruling (parentheses in original). "His assailant tore off Nelson's shirt and chain necklace, pistol-whipped him, and then tried to drag Nelson from the parking lot into the studio without success. Frustrated, Nelson's assailant removed his ski mask and said, 'I'm going to shoot this f@#sing guy,' which he did. Nelson staggered, then



Rap Song on Credit Card Scheme Tells Broader Tale, Prosecutors Say

Types of Cases

- School Discipline
- Delinquency
- Adult Criminal



Zyair Minvia Clark

Grand Jury Rejects Indictment of Teen Arrested for Rap Lyrics

Massachusetts student's arrest for alleged 'terroristic threats' raised First Amendment concerns

Like 2.5K Tweet 261 +1 88 Print 178 Comment 44

By JOHN KNEFEL
JUNE 6, 2013 4:50 PM ET

A grand jury has declined to indict an aspiring Massachusetts rapper whom police had accused of making "terroristic threats," according to the Essex County District Attorney's office. Cameron D'Ambrosio, 18, was arrested in Methuen, Massachusetts on May 2nd after posting a rap verse on his Facebook wall that contained the line, "fuck a boston bombinb [sic] wait til u see the shit I do, I'ma be famous for rapping, and beat every murder charge that comes across me." The high school student has been held in jail since then without bail. "There will be a bail hearing this afternoon, after which point he will probably be released, is my educated guess," says Essex County DA spokesperson Carrie Kimball Monahan.



Cameron D'Ambrosio

Courtesy: Center for Rights

Prosecutors sought to charge D'Ambrosio with threats to make a bomb or hijack a vehicle,

Hearing delayed for East Stroudsburg teen accused of threatening rap song

By Beth Brölje
Pocono Record Writer
May 27, 2014 - 10:26 AM

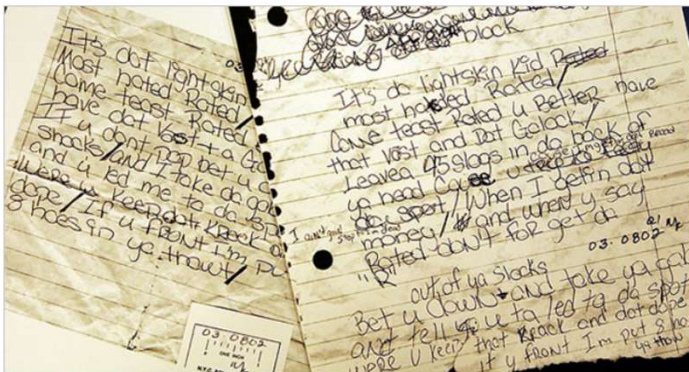
Forms of Evidence

- Handwritten
- Audio
- Photos
- Video
- Online Posts

Rapper gets longer prison term for bragging about gang violence online



Rap Takes Center Stage at Trial in Killing of Two Detectives



Police say that when they arrested Ronell Wilson in 2003 in the shooting of two officers, they found lyrics, above, boasting about a killing.



"I'm Dominoes. I'm Pizza Hut. Call your n***a up because you know I deliver."

Utility: Pre-Adjudication

- Investigation
- Interrogation
- Detention
- Charging
- Transfer/Waiver

10 ON YOUR SIDE WAVY.com

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Rap lyrics crack cold case

Local rapper charged in 2007 double homicide

By Rachel West
Jason Marks

Updated: Thursday, August 1, 2013, 2:00 PM EDT
Published: Tuesday, July 30, 2013, 1:32 PM EDT

f t g+ e REPORT IT



(1/3) Local rapper's lyrics lead to 2007 murder charge

NEWPORT NEWS, Va. (WAVY) - Newport News Police say a local rapper's song helped link him to a cold case involving a double homicide in 2007.

On May 10, 2007, officers were dispatched to the 23rd Street and Orcutt Avenue area for reports of shots fired. While en route, the call was upgraded to a shooting after a victim was found lying on a front porch in the 2300 block of Orcutt Avenue.

Utility: Adjudication

- Confession
- Mental State
- Gang Connection
- Instrument of Crime
- Character

Comment

Prosecutors: Rap song is Cheatham's confession to two slayings

Prosecutors file responses to earlier defense motions in capital case

Posted: June 24, 2013 - 5:28pm



SUBMITTED


When defense attorneys first appeared in court in the retrial of capital murder defendant Phillip D. Cheatham Jr., they estimated they would file 35 to 40 motions before the jury trial started. So far, they have filed three dozen, and

By Steve Fry

steve.fry@cjonline.com

A rap song that Shawnee County prosecutors say is written by capital murder defendant Phillip D. Cheatham Jr. is "an obvious confession to the killings" of two women in 2003, prosecutors contend in a court document.

The prosecution document was filed late last week in response to a defense motion asking District Court Judge Mark Braun to bar prosecutors from offering lyrics as evidence from Cheatham's alleged rap song, "Prove Me Guilty."



6 of 3 premium clicks used this month

Hearing delayed for East Stroudsburg teen accused of threatening rap song
By **Beth Breje**
Pocahontas Record Writer
May 27, 2014 - 10:26 AM

A preliminary hearing has been continued for the East Stroudsburg North High School senior who recorded a rap threatening to harm specific school personnel.

Zylar Minia Clark, 18, of East Stroudsburg, was charged earlier this month with aggravated assault, terroristic threats and other offenses for allegedly writing a song called "Columbino," all by name.

The young described a number of ways to kill those named and also included the lyrics "Anyone still alive, empty the whole clip, have an AK coming for you, Columbine." It ends with the rap "I had been posted on the Internet audio service Soundcloud for months before it was discovered by school personnel."

Originally scheduled for Tuesday, the hearing has been moved to 11:30 a.m. June 24 before Magisterial District Judge Paul Menditto.

A district court preliminary hearing determines if there is enough evidence to send the case to county court, where the defendant can then go to trial, plead guilty or plead no contest.

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SPECIAL TOPICS SERIES

Prosecuting Gang Cases

What Local Prosecutors
Need to Know

PROSECUTING GANG CASES: WHAT LOCAL PROSECUTORS NEED TO KNOW

SAFE

the real defendant is a criminal wearing a do-rag and throwing a gang sign. Gang evidence can take a prosecutor a long way toward introducing the jury to that person. Through photographs, letters, notes, and even music lyrics, prosecutors can invade and exploit the defendant's true personality. Gang investigators should focus on these items of evidence during search warrants and arrests.

Utility: Confession, Evidence of Mental State

***Cook v. State* (Ark. 2001)**

“Give up the Strilla”

Look out 4 this muthaf* *n killa
on the for realla n* *a, you bets to
give up the strilla or getta, muthaf* *n
slugg assigned to yo a* * or you can
do the s* * t the easy way, give up the
cash as bad as my muthaf* *n a* * is
doin, you refuse, you loose, you
snooze, you made the news

Charges: felony murder, aggravated robbery, theft

Characterized as depicting aggravated robbery; Relevant to prove defendant's intent to rob

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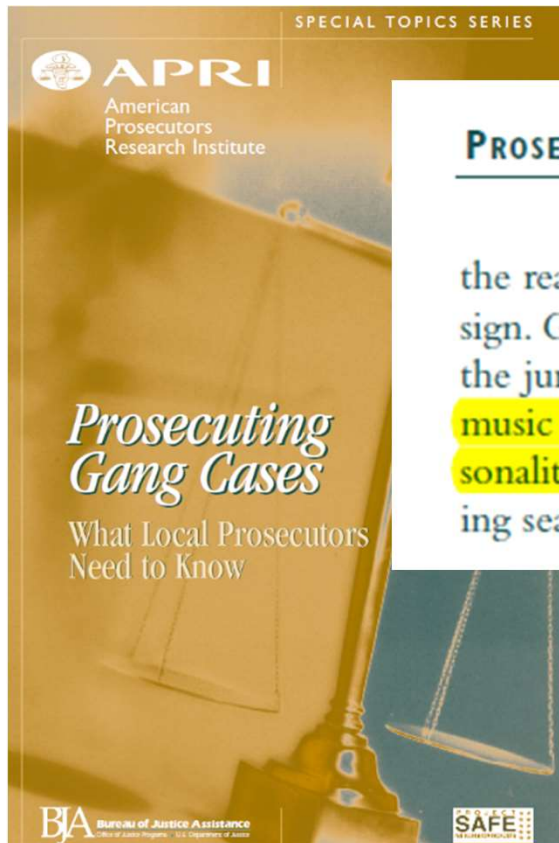
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Utility: Gang Enhancements



PROSECUTING GANG CASES: WHAT LOCAL PROSECUTORS NEED TO KNOW

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In today's society, many gang members compose and put their true-life experiences into lyrical form. . . . Law enforcement officials must remain mindful of . . . the opportunities to obtain inculpatory evidence in gang-related investigations and cases.

— From *Understanding Gangs and Gang Mentality: Acquiring Evidence of the Gang Conspiracy* (2006)

Utility: Threats Charges

Illinois v. Oduwole (2013)
Reversed.

glock to the head of

SEND \$2 to . . . paypal account

If this account doesn't reach \$50,000 in the next 7 days then a murderous rampage similar to the VT shooting will occur at another prestigious highly populated university. THIS IS NOT A JOKE!

If this account doesn't reach \$50,000 in the next 7 days then a murderous rampage similar to the VT shooting will occur at another prestigious highly populated university. THIS IS NOT A JOKE!

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Aspring Rapper Faces Felony Charges for Threatening Song to Rape Victims

Rachael Laine, KCOY Central Coast News Reporter, RachaelLaine@kcoy.com

POSTED: 10:06 PM PST Feb 19, 2014
UPDATED: 01:22 PM PST Feb 20, 2014

Print Recommend Share 7 8+1 0 Tweet 6 Pin it A A A

SANTA MARIA, Calif. - Aspiring rapper, Anthony Murillo is facing two felony counts for threatening to kill two young rape victims in a song he posted online.

RELATED CONTENT

- Lou Ferrigno Hosts Legacy Competition In Santa Barbara
- Some Local Holiday Shopping Scenes

The lyrics, "go and get the Feds cus' you going to end up dead...you going to be laying on your bed because I'm coming for your head," played as the 19-year-old sat emotionless inside a Santa Maria courtroom Wednesday.

Anthony Murillo – charged 2013, tried 2017, NG

Utility: Sentencing and Disposition

- “He has been described in letters submitted by his parents and their friends as being polite, kind, sweet, and respectful. That is in contrast to the extremely dark side ... that is reflected in his writings and which cannot be ignored.” [Referring to rap lyrics and social media postings.]
- “He was characterizing himself as a criminal and glamorizing crime.”
- “[T]he Court wonders whether ... simply chose this particular victim to start acting upon what he had been thinking about doing and writing about for quite some time.”
- “And you wrote about being in Juvenile Hall and beating your case, even after the charges were found true...”
- “You compared yourself to Rambo, going through the house like an assassin.... [T]he Court did find it chilling, because you had gone into a house armed.”

(Trial Judge statements at juvenile disposition hearing.)



QUESTIONS?
COMMENTS?



99 Problems

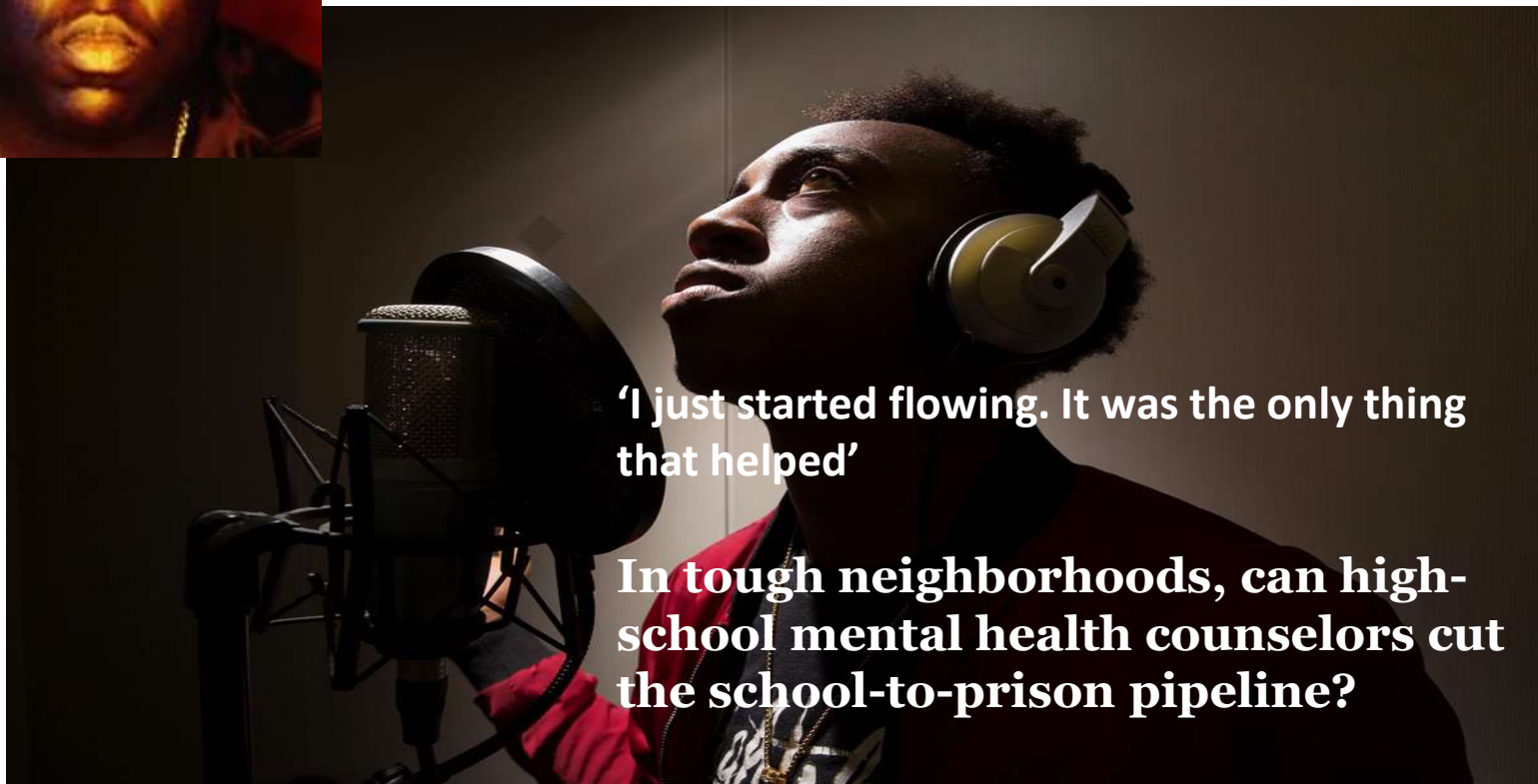
(Ok. Not That Many. But Plenty.)

Pro-social and Normal



**If I wasn't in the rap game
I'd probably have a key knee-deep in the crack game.
Because the streets is a short stop.
Either you're slinging crack rock or you got a wicked jump
shot.**

Biggie Smalls, "Things Done Changed" (1994)



**'I just started flowing. It was the only thing
that helped'**

**In tough neighborhoods, can high-
school mental health counselors cut
the school-to-prison pipeline?**

Accessible and Profitable

(Hobbyists, Amateurs, Aspiring Professionals, Professionals)

- No formal training required
- No or Low financial cost to create, produce, disseminate
- Models of success abound



Dissemination through Multiple Online and SM Platforms

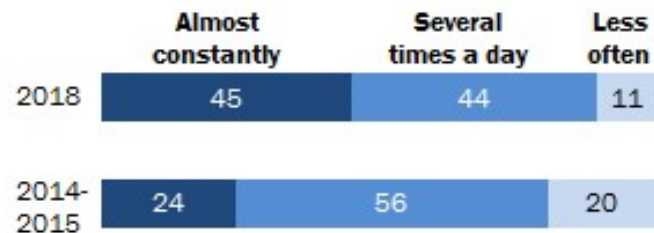
- Facebook
- Snapchat
- Whatsapp
- Instagram
- TikTok
- Twitter
- YouTube
- SoundCloud
- Tidal
- Spotify
- Apple Music/iTunes



Online and SM Amplification

45% of teens say they're online almost constantly

% of U.S. teens who say they use the internet, either on a computer or a cellphone ...



Note: "Less often" category includes teens who say they use the internet "about once a day," "several times a week" and "less often."

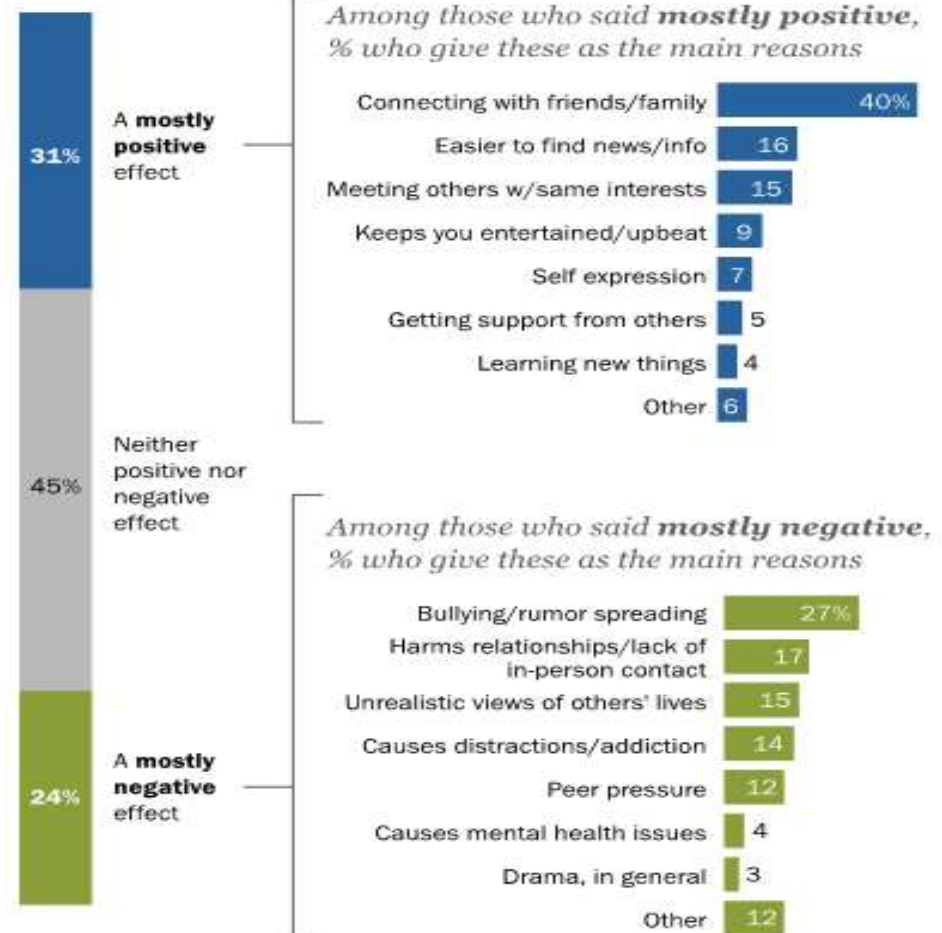
Source: Survey conducted March 7-April 10, 2018. Trend data from previous Pew Research Center survey conducted 2014-2015.

"Teens, Social Media & Technology 2018"

PEW RESEARCH CENTER

Teens have mixed views on social media's effect on people their age; many say it helps them connect with others, some express concerns about bullying

% of U.S. teens who say social media has had ___ on people their own age

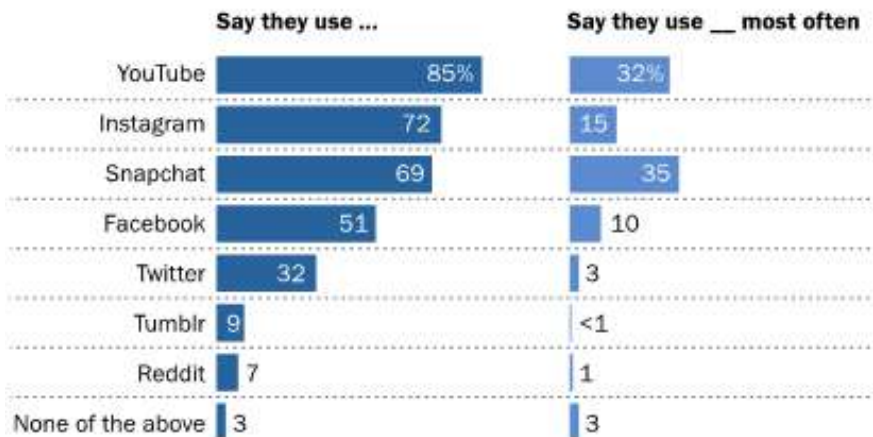


Note: Respondents who did not give an answer are not shown. Verbatim responses have been coded into categories, and figures may add up to more than 100% because multiple responses were allowed.

Preferred Platforms

YouTube, Instagram and Snapchat are the most popular online platforms among teens

% of U.S. teens who ...



Note: Figures in first column add to more than 100% because multiple responses were allowed. Question about most-used site was asked only of respondents who use multiple sites; results have been recalculated to include those who use only one site. Respondents who did not give an answer are not shown.

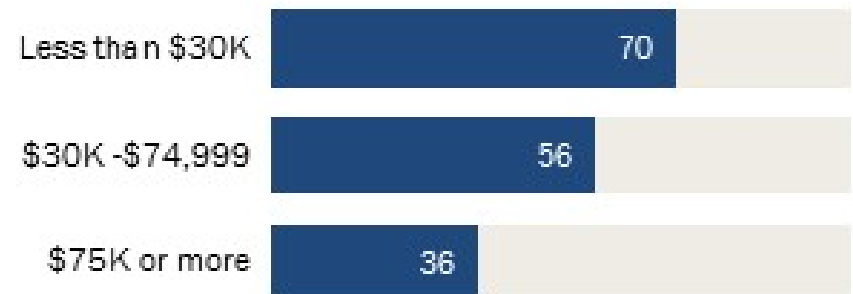
Source: Survey conducted March 7-April 10, 2018.

"Teens, Social Media & Technology 2018"

PEW RESEARCH CENTER

Lower-income teens are more likely than teens from higher-income households to use Facebook

% of U.S. teens, by annual household income, who say they use Facebook



Source: Survey conducted March 7-April 10, 2018.

"Teens, Social Media & Technology 2018"

PEW RESEARCH CENTER

(2018: Randomly selected households; Teens 13-17YO; Self-reporting)

Pop Quiz: Who's the real Rick Ross?



Rick Ross



**William
Leonard
Roberts II**



**“Freeway” Rick
Ross**

(Unrecognized) Artistic Sophistication: Creative. Fictional. Commodified.

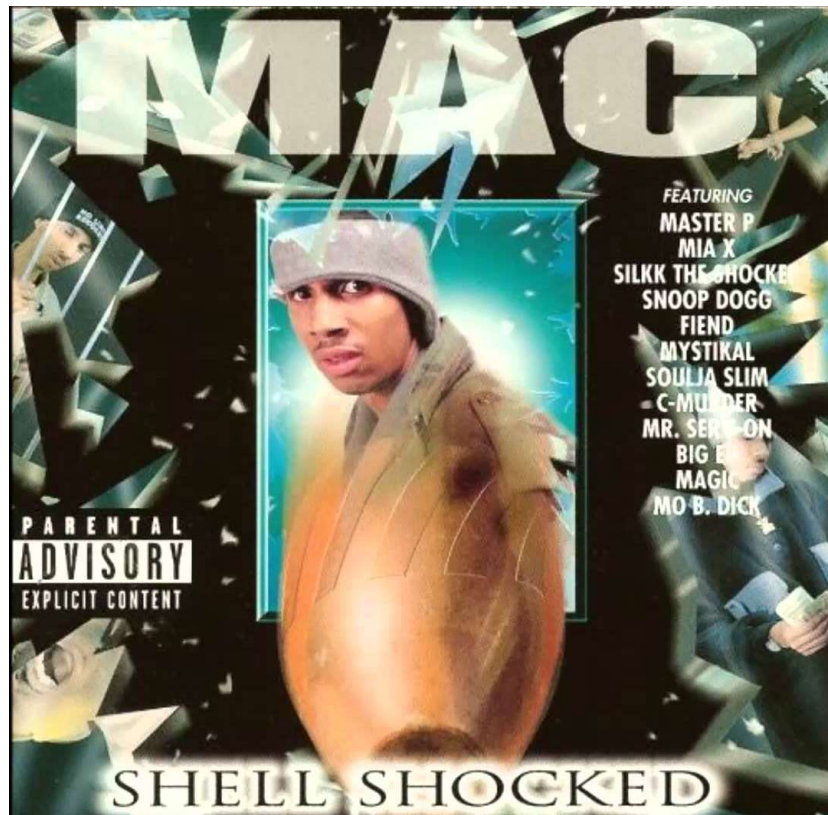
- Rhymed (sounds)
- Rhythmic (syllables, beats, meter)
- Flow
- Metaphor
- Boasting
- Hyperbole
- Narrative
- Monikers
- Alter Egos
- Tropes
- Authenticity
- Space, Place
- Subversive, Political
- Multiple sources, perspectives
- Commercialized

Misguided Interpretive Liberties

- Construction and interpretation is a matter of common knowledge
- Literal translation
- Lyrics are accurate, autobiographical depictions of actual events, mental state, behavior
- Singular interpretation

Blatant Misrepresentations

Mac Phipps 1998 album



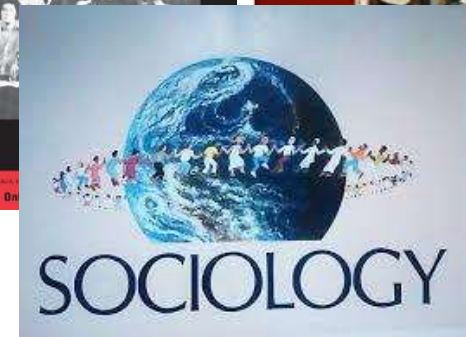
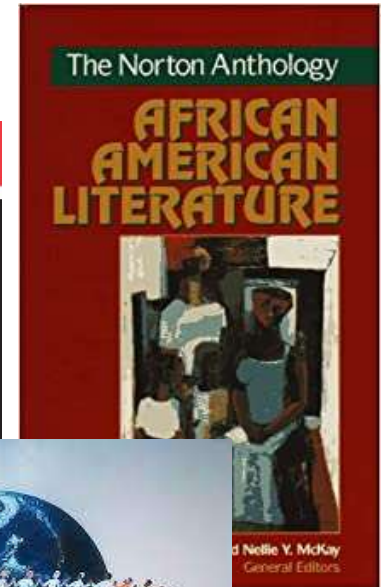
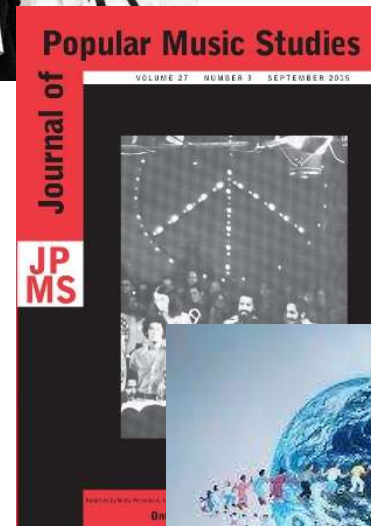
2001 Trial

Prosecutor: "Murder murder, kill, kill, you f**k with me you get a bullet in your brain."

Actual lyric: Big Mac, that's my daddy, rotten dirty straight up soldier ... Ya f**k with me, he'll give you a bullet in yo brain."

Bad Experts (Not Good Experts)

- Unhelpful
- Unqualified
- Lack of reliance on reliable principles and methods
- Lack of application of reliable principles and methods



AAVE

means

African American Vernacular
English

Erroneous Expertise

2017 fed case (Baltimore, MD)

- Picture found on def's phone.
- Govt identified the men as Baltimore City gang members.



Reality Check!

- Pictured are rappers Craig Mack and Notorious B.I.G.
- The picture was at least 20 years old.

More Erroneous Expertise

Alex Medina

- Charged in California with homicide, gang enhancement
- At trial, prosecutor played various rap songs
- Claimed written and recorded by Medina before killing and during incarceration
- Claimed Medina talked about affiliation with gang, violent acts, killing gang rivals.



"Chorus"
Demons got a hold of my soul ²
and it won't ever leave me alone ³
the little blue Devil would of told me so ³
red red run so its best for them to run ⁴
red red run thats the name of the song ³
"Verse 1"
In the middle of the night
I open my eyes
I cant quite move shit I cant even cry
I see a demon and its pointing outside
He whispered in my ear
it was crystal clear

**The actual source:
Lil Raskal**

Neglected Alternative Interpretations

U.S. v. Wilson (NY 2006)

Charge: intentionally killing two undercover law enforcement officers by shooting in back of head

Lyric: Come teast Rated U
Better have that vast and dat
Golock/Leaveva 45 slogs in da
back of ya head cause I'm getting
dat bread I ain't goin stop to I'm
dead

Offered by government as
defendant's confession to killings

You be the Judge:

A willingness to rob and shoot
individuals in the head until he dies

OR

A willingness to continually battle
rappers who stand in the way of
him achieving commercial success

OR

A bad homage to Notorious B.I.G.'s
"Ready to Die" ("As I grab the
glock, put it to your headpiece/One
in the chamber, the safety is off
release/straight at your dome
homes, I wanna see cabbage.")

Negative Associations: Rappers are Bad

Gangsta' Rap and a Murder in Bakersfield¹

STUART P. FISCHOFF²

California State University, Los Angeles

The present study explores the biasing effects of gangsta' rap lyrics on subject perceptions of a murder trial defendant's personality. The lyrics were those actually authored by a defendant in a murder trial on which the present author was a psychological consultant for the defense. Results strongly indicate that the defendant was seen as more likely to have committed a murder than had he not been presented as authoring such lyrics. Surprisingly, results also show that the writing of such rap lyrics was more damning in terms of adjudged personality characteristics than was the fact of being charged with murder.

Scales

The nine murder-trial-relevant bipolar adjective scales to which the participants responded were: *caring–uncaring, selfish–unselfish, gentle–rough, likable–unlikable, conceited–modest, truthful–untruthful, sexually nonaggressive–sexually aggressive, capable of murder–not capable of murder, and not a gang member–a gang member*. They were presented in a 6-point semantic differential scale

Journal of Applied Social Psychology, 1999, **29**, 4, pp. 795-805.
Copyright © 1999 by V. H. Winston & Son, Inc. All rights reserved.

Negative Associations: Rap is Bad

Who's Afraid of Rap: Differential Reactions to Music Lyrics¹

CARRIE B. FRIED²

Indiana University South Bend

This research examines the recent public outcry against violent rap songs. It was hypothesized that rap music receives more negative criticism than do other types of music, regardless of the actual content of the lyrics. Participants read a violent lyrical passage and were led to believe that it was either a rap song or a country song. They then responded to how offensive and dangerous they thought the song was. The results support the hypothesis. When a violent lyrical passage was represented as a rap song, reactions to the lyrics were significantly more negative. Age, whether or not the participants had children, and the participants' music tastes and buying habits were all significantly related to whether or not this biased judgment occurred. The findings are briefly discussed in terms of various models of racism and stereotyping.

Journal of Applied Social Psychology, 1999, 29, 4, pp. 705-721.
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**The 1A is of no help.
(At least not yet.)**

The 1st Amendment Meets Evidence Law

Amend I: Congress shall make no law ... *abridging the freedom of speech*....

“[A]t times during this litigation, Appellant has appeared to labor under the belief that a person’s speech is inadmissible at trial if it is constitutionally protected expression. There is no rule of evidence in Pennsylvania to that effect.” *Commonwealth v. Knox* (Pa. 2018)

“We are not aware of any First Amendment doctrine that insulates an entire genre of communication from a legislative determination that certain types of harms should be regulated in the interest of public safety, health, and welfare.” *Commonwealth v. Knox* (Pa. 2018)



**Don't Despair.
Too Much.**

Success: Withdrawal of Evidence, Dismissal, NG

Pre-trial: Dismissal

Trial

- Govt withdrew rap evidence
- Acquittal
- Acquittal on most serious charges



Success: Appellate Reversal

- Unfair prejudice; Reversible error; Not harmless
- Improper gang expert testimony

Vonte Skinner's Rap Lyrics Were Ruled Inadmissible by the New Jersey Supreme Court

By Lauren Schwartzberg
August 6, 2014



A courthouse in New Jersey. Photo by Flickr user Ron Coleman

Commonwealth v. Lamory Gray

"We discern no reason why rap music lyrics, unlike any other musical form, should be singled out and viewed *sui generis* as literal statements of fact or intent."

"A police officer who has been qualified as a 'gang expert' cannot, without more, be deemed an expert qualified to interpret the meaning of rap music lyrics."

Both in 2012.
***See also Hannah v. State* (Md. 2011).**



QUESTIONS?
COMMENTS?



Damage Control: Applying the Research

Strategies

Pre-Adjudication

- Search online for other evidence from client
- Search online for evidence from other involved individuals
- Talk extensively to client about their body of work (motivation, meaning, methods)
- Consult with experts (rap, youth development, social media)
- Request govt “expert” resume, records, reports
- Develop alternative interpretations, understandings
- Motions to exclude evidence (evidentiary, constitutional)
- Motion to exclude govt expert
- Caselaw research
- Research other artists, songs

Strategies

Adjudication

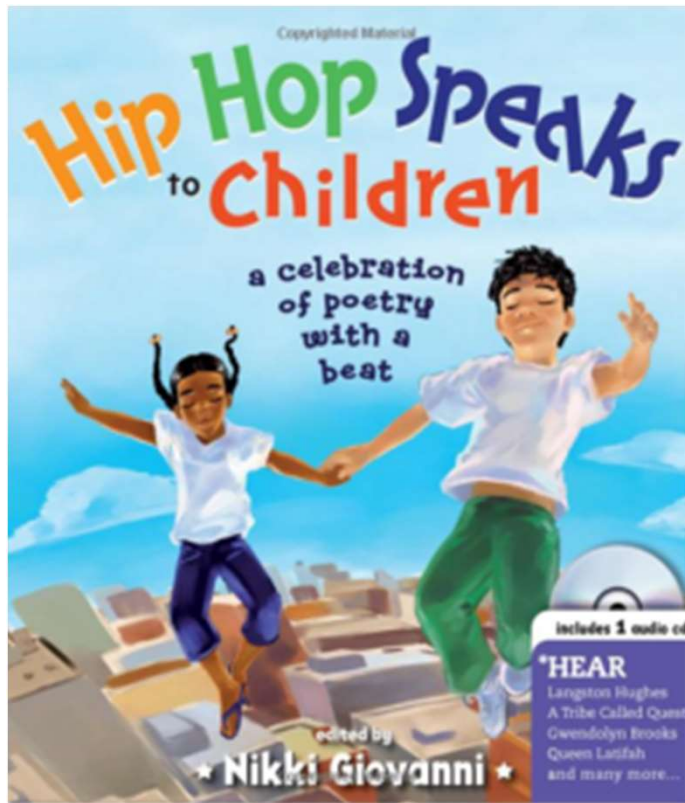
- Juror Examination
- Object.... Again
- Aggressive Govt Witness Examination
- Present Affirmative Evidence
 - Counter government evidence and Advance your case theory
 - Witnesses: Lay and Expert

Disposition

- Object.... Again
- Aggressive Govt Witness Examination
- Present Affirmative Case
- Recommend Hip-Hop-Based Programming, esp for youth (Yes...It's a thing.)

Appeal

If (when) the court admits/considers the evidence... Now what?



**EDUCATION and
REFRAMING ARE
KEY!**

- Provide summaries, copies of research (to POs, to judges/law clerks, to prosecutors)
- Obtain and produce defense expert advice, reports
- Focus on juror age, musical tastes
- Paint govt expert(s) as INcredible
- Retain a defense expert: rap music; youth speech-language; social media
- Limiting instructions for jurors

Checklist of Challenges

- Evidence Objections
 - Irrelevant/Low Probative Value (See artistic aspects, See Rick Ross)
 - Improper Character Evidence (See prosecutor manual quotes)
 - Unfair Prejudice (See social science studies)
 - Improper Gov't Expert Testimony
 - Authentication
 - Best Evidence/Original Records
- Constitutional Challenges
 - First Amendment Challenge
 - Confrontation Clause (Sever, Exclude)

Some Helpful Caselaw

- *Hannah v. State*, 420 Md. 339, 23 A.3d 192 (Md. 2011) (relying on *Cheeseboro*, holds erroneous to admit defendant's lyrics and drawings of guns and violence where state used evidence to rebut defendant's claim he did not own or have access to a gun)
- *State v. Summersett*, No. 2008-MO-025, 2008 WL 9881737, at *2 (S.C. July 28, 2008) (urging lower courts to be cautious when considering rap lyric evidence).
- *State v. Cheeseboro*, 346 S.C. 526, 550 (2001) (error to admit lyrics found in a defendant's jail cell that referenced leaving no prints and bodies sitting in a pool of blood because the lyrics were too vague to be connected to the case to be probative of any guilt).
- *State v. Day*, 341 S.C. 410, 422-23 (2000) (prosecutor's repeated references to defendant's tattoo and nickname ("Outlaw") were unfair character evidence in violation of due process)

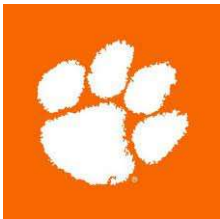
(Some) South Carolina Expertise



Dr. Birgitta J. Johnson teaches undergraduate and graduate courses in world music, African American music, African music, and ethnomusicology. She received her Bachelors of Arts in Music from Agnes Scott College where she played piano (major), violin (principal second), Ghanaian drums and sang in Joyful Noise (gospel choir). Johnson received her Masters and Doctorate degrees in Ethnomusicology from the University of California, Los Angeles



Dr. Jabari Evans' research focuses on the subcultures that urban youth and young adults of color develop and inhabit to understand their social environments, identity development and pursue their professional aspirations. He generally explores strategies these youth use for self-expression on social media platforms as well as other digital media tools and technologies. His forthcoming book project, which centers on a Hip-Hop Based Education program in Chicago Public Schools, has been



Andrew Mannheimer is a Lecturer in the Department of Sociology and Anthropology at Clemson University. Dr. Mannheimer received his Ph.D. from Florida State University in 2016. His research interests include education, race, ethnicity, and culture. His dissertation examined secondary teachers' views and uses of Hip Hop culture. Dr. Mannheimer helped develop and teach a Sociology of Hip Hop Culture course which received positive media attention from USA Today (<http://www.usatoday.com/story/news/nation/2013/01/31/hiphop-class-florida-state/1881247/>).

SC Case Study #1: (Student) Threats

Client = 11YO Black male charged with student threats

S.C. Code Sec. 16-17-425. Student threats.

(A) It is unlawful for a student of a school or college in this State to make threats to take the life of or to inflict bodily harm upon another by using any form of communication whatsoever.....

HISTORY: 2018 Act No. 182 (S.131), Section 2, eff May 17, 2018.

Detailed Statement of Investigation:

On 03-12-2021, PSO Cloyd was contacted by (complainant) Jamie Byrne in reference to a suspicious social media post made by a student. The student, (offender) , created a rap song and posted it to Instagram. In the rap song threatened to shoot another student, (victim) the head. I did view the video and although the song had been auto tuned, you can clearly make out the threat to shoot the other student in the head. I was unable to speak with because he was not present at school. The video has been burned to a disk and is attached to this case file. I have no further at this time.

SC Case Study #2: Homicide

- Client, a young black man, is a successful local rap artist from a musical family. H has recorded and released online multiple albums and songs. His lyrics at times contain profanity, violence, and graphic language.
- On night in question, client was at a local club frequented by other rap artists. The club was busy. In the early morning hours, a dispute arose inside in the club and shots were fired. Nearly all the club patrons, including client, ran from the scene. Ultimately, one man was dead inside the club, one man was dead outside of the club, and eight people were injured.
- Client was charged with murder, assault and battery of a high and aggravated nature, using a weapon during the commission of a violent crime, and one additional weapons charge. Client faces LWOP.
- Government has produced some of client's rap music and social media postings, without explanation as to how the evidence would be used at trial.



**QUESTIONS?
COMMENTS?**

Thank you!

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